IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6170 of 1990

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)

Versus

UMARBHAI ISMAILBHAI VORA - Respondent(s)

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Appearance :

MR PRANAV G DESAI for Petitioner No(s).: 1.

RULE NOT RECD BACK for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 02/08/2005

ORAL JUDGMENT

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1. This petition is directed against the judgment and award dated 16th January, 1990 passed by the Labour Court, Baroda in Reference [L.C.V.] No. 641/1984, whereby the Labour Court has directed the petitioner Corporation to reinstate the respondent in service on his

original post without back wages.

2. The short facts of the case are that the respondent was working as a Conductor with the petitioner Corporation. On 23rd January, 1975, while the respondent was on duty, the bus was checked by the Officer of the petitioner Corporation and the Officer found certain irregularities in the issuance of tickets and collection of fares. Therefore, charge sheet was issued and departmental inquiry was initiated against the respondent. Since the charges levelled against the respondent were proved, the respondent was terminated from the service w.e.f. 12th April, 1975.

2.1. Being aggrieved by the termination order, the respondent preferred an Appeal before the Appellate Authority which came to be dismissed. Pursuant to that the respondent raised an industrial dispute which was ultimately referred to the Labour Court, Baroda for adjudication. The Labour Court after appreciating the materials produced before it, passed the impugned award. Hence, this petition.

3. I have heard the learned counsel for the parties

and have perused the materials produced on record. While passing the impugned award the Labour Court has given the benefit of doubt to the respondent workman. In my opinion, the Labour Court was justified in ordering reinstatement to the workman. I am in complete agreement with the reasonings adopted and findings arrived at by the Labour Court in ordering reinstatement in service to the respondent and find no reason to interfere in this petition.

4. In the result, the petition is dismissed. The impugned award passed by the Labour Court is confirmed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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